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Human Rights Council
Twenty-ninth session
Agenda item 4
Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09030 (E)
1509030

Please recycle

Nepal: Custodial torture is rooted in the police stations of the country

1. The Asian Legal Resource Centre (ALRC), along with the Terai Human Rights Defenders (THRD) Alliance, would like to bring the entrenched practice of custodial torture in Nepal to the attention of the UN Human Rights Council.

2. In relation to the decade-long conflict period from 1996 to 2006, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, following a visit to Nepal in September 2005, concluded, inter alia, that "Torture is systematically practiced by the police, armed police and Royal Nepalese Army. Legal safeguards are routinely ignored and effectively meaningless. Impunity for acts of torture is the rule, and consequently victims of torture and their families are left without recourse to adequate justice, compensation and rehabilitation[1]."

3. Government officials have failed to recognize, and at times have blatantly denied, the existence of the systematic use of torture in the post-conflict period, and downplayed the scale of the problem by characterizing instances of torture as isolated incidents[2]. Notwithstanding, the work of NGOs such as THRD Alliance, Forum for Protection of Peoples' Rights (PPR) Nepal, and Advocacy Forum (AF) has demonstrated that torture remains widespread and prevalent in Nepal to this day.

4. The most common methods of physical torture reported include beatings using the hands, kicking (which may be while the police are still clad in their boots) and using instruments such as bamboo sticks, plastic pipes, and batons. The severity of the torture does not necessarily depend on whether the police use instruments. For example, in recent years, a victim died after having been kicked in his head and chest by an Armed Police Force man clad in his boots[3]. The aforementioned list of torture methods by the Nepal Police Force, documented by THRD Alliance, is not exhaustive. For example, the Asian Human Rights Commission, sister organization of the ALRC, reported last year that pins were inserted under the fingernails of a 13-year-old girl to make her confess to having stolen gold[4].

5. With regard to the torture of the Madhesi people, the Madhes movement of 2007-2008[5] carries explanatory power in drawing attention to the discrimination and marginalization of the Madhesi people (people residing in the Terai region, the plains) by the Pahadi (hill-centric areas such as Kathmandu) dominated state institutions.

6. For example, a young male Madhesi Muslim farmer was detained because he was caught using drugs[6]. However, he appears to have been tortured because he was Madhesi as well. At the police station, he was beaten mercilessly with a bamboo stick on his waist and legs, with the policemen repeatedly shouting at him "*Madhesi sala*" (ethnic slur and vulgarities), with the victim finally losing unconsciousness due to the severity of the beatings. The victim shared that he felt he was treated differently as an "Indian" (which is how several Madhesis are perceived) rather than a Nepalese.

7. The government has largely failed to recognize the problem of torture even exists, characterizing the instances reported as "isolated" and having occurred during the armed conflict. Additionally, it effectively disclaims any responsibility for torture committed by the state forces by devolving responsibility to the individual police officer.

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[1] Report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak (E/CN.4/2006/6/Add.5) of 9 January 2006, para 31.

[2] http://www2.ohchr.org/english/bodies/cat/docs/Art20/NepalAnnexXIII.pdf, See Paragraph 26

[3] This occurred in the case of Mangare Murau, a rickshaw driver who was tortured after he refused to pay a bribe. This case was reported in THRD Alliance's "Continuing Extra Judicial Executions in the Terai" at pages 61 to 63.

[4] http://www.humanrights.asia/news/urgent-appeals/AHRC-UAC-009-2014

[5] Politically, it has been reported that the Madhesh movement is the strongest identity-based movement to have taken place in Nepal's modern history. See: "The Landscape of Madesh: Politics, Society and Economy of the Plains", Edited by Ruhi Tewari and Anirudh Prasad Sah, Nepal Madesh Foundation, 2012.

[6] This case is also a sad reflection of the fact that the idea of drug users needing help and rehabilitation, rather than torture and discrimination in the hands of the State, is still little recognised. The ignorance of the police here aggravates the problems of drug users, rather than alleviate them. See: Open Society Foundations, "Treatment or Torture? Applying International Human Rights Standards to Drug Detention Centres", 2011. See: www.stoptortureinhealthcare.org.

8. The State party's acquiescence in torture is demonstrated by its specific failure to criminalize torture. The Supreme Court directed the government on 23 May 2009 to formulate a legislation criminalizing torture, i.e. more than five years ago. It has been fifteen years since the State ratified the Convention Against Torture (CAT). However, torture is still not a criminal act in Nepal. As such, perpetrators walk free today, and continue to work in police stations with impunity.

9. Most importantly, the corollary consequences of the government refusing to recognize the pressing nature of the problem of torture are that law and order in Nepal (which is shaky to begin with) unravels further and threatens the foundations of the justice system being built in a fresh post-conflict state. In this regard, the possibility that the perpetrators of torture are not dealt with harshly because their actions may privately be seen as justifiable by the policymakers in the context of deteriorating law and order shall also be dealt with.

10. In June 2009, a coalition of international and local non-governmental organisations, as well as the National Human Rights Commission (NHRC), had already submitted a model bill for the criminalization of torture to the then government[7]. Subsequently, in 2012, the government tabled a draft Bill criminalizing torture[8]; it was not passed because Parliament was subsequently dissolved. However, issues have been raised by civil society regarding the contents of the draft Bill, such as the restrictive definition of torture victims and perpetrators, and the low penalties (maximum of five years' imprisonment and a fine of less than $600). As such, the way forward is for the government to seek input from civil society regarding the contents of the draft Bill in that they put forward an amended version of the Bill for the government's consideration. This mode of seeking consensus can be done simultaneously while the Constitution is being drafted.

11. Contrary to popular perceptions that torture is a device to only extract confessions from guilty criminals (for "the innocent will never confess"), monitoring by local NGOs in Nepal has shown that torture has largely been used as a tool to extract bribes, sanction the work of human traffickers, and as a show of power. Even in instances where torture may have been used to obtain confessions, these are unreliable since they are not voluntary – with such false confessions (and convictions) resulting in the real criminals walking free. Ironically, in the event that there is clear evidence that the person apprehended is a criminal (and not who has been made to confess due to the hunch of an intuitive policeman prone to torture) – then this completely obviates any perceived "need" for torture.

12. While the government has attempted to devolve responsibility for torture to the individual police officer, in reality, it is solely responsible for creating situational forces that shape the characters of the individual policemen. An implicit compact that no one will be prosecuted for the use of torture encourages, or, at the very least, permits the individual police officer to commit torture.

13. The State of Nepal can take concrete steps to remedy the situation even during this transitional period. Torture only serves to undermine the justice system (both criminal and civil) in Nepal, and this should motivate honest policymakers to take aggressive steps aimed at rooting it out.

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[7] A copy of the bill is available at http://www.redress.org/downloads/publications/Draft%20Model%20Bill%20on%20the%20Prohibition%20of%20Torture.pdf

[8] http://www.ekantipur.com/the-kathmandu-post/2012/06/25/oped/cruel-inhuman-and-degrading/236442.html

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Human Rights Council
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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Global Network for Rights and Development (GNRD), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.15-09031 (E)

1509031

Please recycle

Freedom of Expression

Global Network for Rights and Development welcomes the Panel on Freedom of Expression as a valuable forum and a timely opportunity for discussion of measures required to prevent further infringements of this right. The commitments in this context by the UN High Commissioner for Human Rights and the Human Rights Council are central to achieving universal respect for human rights and the consequent development of society.

Freedom of expression plays a vital role in the sustainable development of any society and allows other fundamental rights to flourish. At an individual level, this freedom is basic to the dignity, development and fulfilment of every person while at the national level, freedom of expression contributes to guaranteeing free debate, good governance and overall promotion of human rights. Freedom of expression therefore lies at the heart of any democratic system.

Despite this freedom being of such great importance, freedom of expression is undermined in many different ways. Threats to this freedom are constant under regimes that punish those they consider exceeding the boundaries of freedom of speech. Ad hoc or arbitrary new rules determining what can or cannot be discussed or reported, detention or imprisonment, denial of permits of entry, exit, work or visas are some of the most common weapons used to control journalists and freedom of expression. It is important, therefore, that the Panel's discussions contribute to identifying relevant issues and providing guidance on the steps that need to be taken to minimise or eliminate threats to the freedom of speech and promote full respect for this right. The objective of this statement is to defend and promote Article 19 of the Universal Declaration of Human Rights, which states that *everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers*. It is also important to analyse thoroughly the challenges that this right may face in the future, as technology and liberties that it often affects have developed and evolved in different time frames. After all the progress achieved in human rights matters, there exist still numerous gaps and shortcomings, underscoring a strong need for further cooperation within the international community to continue defending those hard-won rights.

Threats to the freedom of expression are constant. Whilst a good number of countries guarantee this right in their respective constitutions, there remain others that still restrict its exercise. Still other nations profess to protect freedom of speech in written words, ie the law, but in practice are inconsistent in their approach to the defence and preservation of the right to freedom of expression.

Global Network for Rights and Development has documented examples where governments fail to protect such right from abuses. Frequently, those violations emanate from the direct action from states, whose leaders covet power at all costs. This ambition to perpetuate their influence and impose their decisions undermines a substantial number of human rights, specially those related to freedom of expression. According to recent reports, more than a third of the world's population lives in countries where there is no press freedom. This means that more than 2,000 million people still live in countries where there is no system of democracy or where there are serious deficiencies in the democratic process. More than 2,000 million people still suffer strict control of access to information due to the actions of a state-run security apparatus whose aim is to promote propaganda and eliminate any kind of attempts by the media or journalists to challenge the government line, specially on controversial matters.When violations to the freedom of expression do not emanate from the state, they may have their origin in criminal actions.

Violence against journalists and media professionals takes on various forms, such as arbitrary arrest, physical assault, censorship and shutdown of media outlets. Regardless the importance of Article 19, control is very sensitive and important concept in any debate. Freedom of speech is an indispensable right in developed societies, yet it is not an absolute right. Others, such as personal privacy or honour must be properly balanced with freedom of speech.

The Global Network for Rights and Development (GNRD), in accordance with its mission to enhance and promote both human rights and development, works for the application of the rights recognised in the Universal Declaration of Human Rights, including freedom of expression. Following this line, the organisation has held various events at different levels to stress the importance of the respect for Article 19.

On 3 May 2015, at the World Press Freedom Day, Global Network for Rights and Development co-hosted the Freedom of Speech Awards of Valencia, Spain. The organisation, in accordance with its mission to defend freedom of speech, supported the prize-winning TVE correspondent in Gaza, Yolanda Alvarez, the 17 Palestinian journalists killed in the Strip in the summer of 2014, and the 12 members of the *Charlie Hebdo* staff who died in the Paris attack this year.

Reinforcing the right to freedom of speech and expression and improving the working conditions of journalists are the general recommendations for the future challenges this right may have ahead. From the standpoint of our organisation, all UN member states should support the UN Plan of Action on the Safety of Journalists and the Issue of Impunity. Besides, leadership programmes in journalism, where a selection of top journalists from different regions are brought in to discuss current affairs, exchange ideas and provide updates about the challenges in reporting, should be created. The international community should also place the rights of media workers at the top of its agenda. It is also important to strengthen the employment rights of journalists and other media workers. In this line, fair contracts for all should be provided and the exploitation of freelance workers should come to an end. But the right of journalists, bloggers or any other individual to warn public authorities about the negative effects of interference with critical reporting must be protected and preserved. The progress of technology is another important factor to take into consideration. Despite the advances in communication, which have given rise to new ways of promoting freedom of expression, there is also a substantial number of challenges resulted from evolving technologies. Regarding this matter, the EU Council said "*all human rights which exist offline must also be protected online, in particular the right to freedom of opinion and expression.*"

Freedom of expression is one of the most precious rights included in the Universal Declaration of Human Rights, indispensable for every human being. Free opinions, thoughts and expressions are major cornerstones of democracy, peace and development of a state. Governments have within their duties the obligation to protect and promote the rights to hold free opinions and thoughts, as well as to facilitate the flow of information through independent media.

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Human rights situations that require the Council's attention

Joint written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status, Odhikar - Coalition for Human Rights, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

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1509032

Please recycle

Bangladesh: UN rights mechanisms need reshaping to address extrajudicial executions

1. The Asian Legal Resource Centre (ALRC) and Odhikar request the UN Human Rights Council to consider amending the human rights mechanisms so that the entrenched problems of extrajudicial executions can be addressed. The ALRC makes this request on the basis of experience working on extrajudicial executions in Bangladesh, where no judicial or administrative remedies are accessible for such crimes.

2. Extrajudicial executions in Bangladesh have been gradually institutionalised in the last decade or so. Since the creation of the Rapid Action Battalion (RAB) in 2004, human rights groups have documented hundreds of cases of such arbitrary deprivation of life by agents of the state.

3. First, the so-called "wanted criminals" began to be executed under the pretext of "crossfire". Then, the government started eliminating the so-called "underground leftist political activists". Later, political and other parties started hiring law-enforcement agencies for their "skills" to assassinate their rivals. And, now, the government uses extrajudicial executions against the opposition to weaken political counterparts[1].

4. Innocent schoolboys, petty businessmen, trade unionists, showbiz personalities, and political activists have all become victim to the spree of extrajudicial executions in Bangladesh. Today, hundreds of such human lives cut short in this way, survive only in unofficial lists or academic statistics of victims. Their families have been psychologically, socially, and economically devastated. No healing process has ever been initiated for the families of these victims. And, the ignominy is that law-enforcement agencies brand their murdered relative a "criminal"; social stigma joins grief as a part of their lives. Schooling and socio-economic opportunities shrink.

5. The prevailing culture of impunity, coupled with incapability of the criminal justice institutions, has only guaranteed injustice to the victims and their families. The entire Judiciary is tuned and tamed to the extent that it behaves the way the incumbent government wishes. As a result, in the last decade, while such crimes have flowered, there is not even a single record of a successful prosecution against any extrajudicial executioner, all members of Bangladesh's law-enforcement agencies.

6. The Government of Bangladesh is consistently promoting extrajudicial executions, as the ALRC reported to the Council in the 28th Regular Session. At the same time, the authorities are denying the aggrieved families access to the complaints mechanisms, through constant threat and intimidation. And, the representatives of the government are routinely misleading the international community about the grave realities on the ground. Being a member or not being a member of the Human Rights Council is of no consequence to the Government of Bangladesh; consistently, false and misleading information has been provided to the Council.

7. Despite the sincerity of the UN Human Rights Council, the entire human rights mechanisms at its disposal have not been able to address the problem that has mushroomed in the last several years. Substantial knowledge has already been acquired, in terms of thematic and theoretical aspects. However, the existing knowledge itself does not save people's lives from extrajudicial executions; it also does not help in victim's families get justice; it does not serve as a deterrent to the state to stop executing citizens extrajudicially. Most of this knowledge does not reach the families to help them with the psychosocial trauma repeatedly experienced on the ground. Regrettably, the right to life of innumerable persons remains at the mercy of coercive forces in numerous jurisdictions in Bangladesh and across the world.

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[1] Asian Human Rights Commission's Statement titled "Chains of Corruption Strangle the Nation" exposes how the officers of the Rapid Action Battalion were hired for killing seven people including a senior lawyer of Narayangang district. The Statement can be accessed here: http://www.humanrights.asia/news/ahrc-news/AHRC-STM-085-2014

8. One of the main reasons behind the absence of protection from gross human rights violations is the absence of competent criminal justice institutions. Hundreds of victims do not get access to the public justice system in Bangladesh, due to ongoing intimidation, threat, and further persecution. The Judiciary itself does not prove that it is there to administer justice when extrajudicial executions are committed by law-enforcement agencies.

9. The UN human rights mechanisms require reshaping to meet the needs of victims for the purpose of protecting their rights. The ALRC and Odhikar urge the Human Rights Council to take the leading role in initiating reforms of criminal justice institutions. The public justice system should be capable of upholding the UN human rights standards. The reforms of the justice institutions should result in enabling the people to trust the system; they should find it useful, efficient, and affordable.

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Please recycle

Pakistan: Business and Human Rights - government must strictly follow the regulations of ILO in its true spirit

1. The Asian Legal Resource Centre (ALRC) and the Pakistan Institute of Labour Education and Research (PILER) would like to draw the attention of the UN Human Rights Council to an incident in a Pakistani garment factory where workers were burned alive.

2. Ali Enterprises is a garment factory located in Plot 67, Hub Road, Baldia Town, Karachi. It has exported garments to Europe and the United States, employing between 1,200 and 1,500 workers. The factory manufactured jeans for the textile discounter KiK Textilien, which claimed to ensure compliance with labour laws and the maintenance of safety standards amongst its suppliers. A security check in 2007, however, revealed deficiencies in the fire protection protocol at the Karachi factory. KiK later claimed these deficiencies were corrected by 2011.

3. On 11 September 2012, in Baldia Town, Karachi, a fire erupted in the garment factory. It claimed the lives of 256 men and women, leaving 55 workers injured, including two who were permanently disabled. As per reports, workers had arrived at the factory to pick up their pay and all exit doors had been locked.

4. Ali Enterprises had, just three weeks prior to the fire, succeeded in fraudulently obtaining an SA-8000 Certificate. This was awarded by RINA, an Italian certifying company, which entitled Ali Enterprises to carry out business with European and American manufacturers. RINA, on its part, neither visited the factory nor checked on the working conditions or health hazards, and failed to look into the irregularities related to local labour laws and safety. In fact, according to the International Labour Organization, procedural barriers had been set in place inside the garment factory run by Ali Enterprises in Karachi to deny workers their rights.

5. Certificate SA 8000, is an international accreditation given to companies that adhere to international standards of workplace safety, security, and labour regulations. Factories in Pakistan are obtaining these certificates without much trouble. Many of these factory units, however, blatantly flout health and safety regulations and labour laws. Such corrupt practices, coupled with the negligence of private licensing companies, show scant respect for rights and welfare of the labourers and have put their lives in danger.

6. Since February 2015, the Baldia factory case has become politicized. A Joint Interrogation Team (JIT) report, released by the Sindh Rangers, a paramilitary agency, has revealed that the incident was an act of sabotage and arson orchestrated by a certain political party. However, nothing has been proven. The Sindh High Court said that the statement, a custodial confession by the accused mentioned in the JIT report, was only hearsay. Constituents of the JIT were the Superintendent of Police (Saddar, Karachi), representatives of Inter-services Intelligence, the Intelligence Bureau, the Pakistan Rangers, and the Federal Intelligence Agency.

7. The JIT report is, in fact, a ploy to deny workers paid compensation. As a result of the JIT report, the European Textile Enterprises and the German company, Kik Textilien, the importers of garments from Ali Enterprises, backed out from the agreement to pay Long Term Compensation (LTC) to the families of the deceased. They contend that the fire was the result of sabotage and arson by a political party and not due to negligence of Ali Enterprises management.

8. Through the pressure exerted by PILER, other trade unions, and non-government organizations, KiK had agreed to pay some compensation. One million US Dollars was distributed through the Sindh High Court to the families of the deceased. A contract was made between PILER and KIK. KiK would also pay LTC to the bereaved families according to section 121 of ILO.

9. The Pakistani government has, with the help of the JIT report, sabotaged the benefits for workers contained in section 121 of ILO. As a result, two things have happened: the government does not have to follow up on the safety of workers and the companies will now be free from prosecution under the law. And, justice for the workers burned alive in the fire has been denied.

10. In addition to their already mentioned failures, the factory is also suspected of using child labour with locked workplaces analogous to prison cells. Abdul Aziz, owner of the factory, has reportedly prevented inspections of his factory.

11. The Pakistani government is responsible for the callousness and antipathy of the state machinery in protecting the interests of the working class. People with authority and power, the ruling elite, comprised mostly of rich industrialists, favour the interests of factory owners. The poor labourer does not figure in this equation. There is flouting of building regulations and safety norms, absence of regular inspection of factories, plus lack of coordination between the labour department and other ministries of the government. These unproductive and unsuccessful machinations by the Pakistan State have endangered the lives of workers.

12. The Asian Legal Resource Centre (ALRC) and the Pakistan Institute of Labour Education and Research (PILER) therefore:

a) Asks the UN Human Rights Council to urge the Pakistani government to strictly follow the true spirit of the regulations of the ILO. KIK Textilien must be pressed to pay Long Term Compensation, in full, to the bereaved families. Labour laws need to be implemented in all factories, whether in formal or informal sectors.

b) Suggests that roadmap provided by the United Nations Guiding Principles on Business and Human Rights be used, which provides actions that both the State and companies must take to prevent business-related human rights abuses and effective remedies to ensure justice. Respect for human rights and internationally agreed labour standards must be a corporate priority. This forum is an opportunity to share experiences and to take stock of situations.

c) Reminds that due diligence is needed by policy-makers to protect human rights. The State needs to step up to prevent injustice and to ensure justice for the harm caused by labour-detrimental economic activities. This is a fundamental duty of every government, which includes ensuring that corporate actors are held accountable for their actions.

d) Urges that business enterprises should also carry out human rights due diligence, in order to identify, prevent, mitigate, and account for how they address any adverse human rights impact.

e) Urges, the government to investigate adverse human rights impact caused by business enterprises. These enterprises may have caused or contributed to these violations through its own activities, which may be directly linked to its operations, products or services through its business relationships.

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Please recycle

Pakistan: Rights Safeguards Rendered Meaningless in the face of Extrajudicial Killings

1. The Asian Legal Resource Centre is extremely concerned about the continuing extrajudicial killings in Pakistan, and the impunity with which they are committed. Instead of using legal and constitutional methods to stop such practices of the law enforcement agencies, the government of Pakistan has sought to make extrajudicial killings legal and constitutional.

2. The law enforcement agencies (LEAs), particularly the military and its intelligence agencies, have been given the power to shoot suspects on sight and to try them in military courts via the passage of recent ordinances, laws, and amendments to the Constitution. The LEAs are free to kill any person on the pretext of terrorism or encounters, with complete impunity. The decision of culpability solely vests on the whims of the LEAs. Every agency is pushing to show its competency and efficiency, which is resulting in extrajudicial killings on a daily basis. The police and the paramilitary Pakistan Rangers, in particular, have become judge, jury, and executioners all rolled in one.

3. The Judiciary and fair trial have been utterly undermined and constantly ridiculed; the LEA's, particularly the police, are always making complaints against the Judiciary for letting off suspects the police have apprehend after extensive "investigation". The judicial response to such allegations is that investigations are often faulty and the prosecution fails to prove the case beyond reasonable doubt. LEA's have, in turn, been campaigning strongly against fair trial and due process in the quest for absolute power.

4. Blatant misuse of power by the LEAs has reached such a point that peace campaigners are not spared. Ms. Sabeen Mahmud, a peace activist and intellectual in Karachi City, was shot dead by unknown assailants on 25 April 2015 when she and her mother were returning from a talk held on the subject of Balochistan. She had been receiving threatening phone calls from the secret agencies not to hold an open talk on Balochistan, where hundreds of civilians have been disappeared and extrajudicially killed by the military and its intelligence agencies. The superior courts have held state agencies responsible for disappearances and extrajudicial executions in Balochistan, however, no officers have so far been tried or punished. The government has become so sensitive on open discussion on the subject of Balochistan, it had stopped a talk of Baloch leaders at a Lahore university, just 14 days before Sabeen's murder.

5. Extrajudicial killings have increased manifold since the start of an operation in the metropolis of Karachi against target killings. The Pakistan Rangers, the LEA heading the operation, in the first three months of 2015, killed at least 157 persons. During the year 2014, according to newspaper reports, 692 persons were killed extrajudicially in different parts of the Karachi. According to statistics collected by the Human Rights Commission of Pakistan (HRCP), 457 persons have been killed in police encounters and 135 killed by the law enforcement agencies. These are only the documented cases and actual figures where the state atrocities are unknown. Without a check and balance system there is complete impunity, and there is no redressal for the victim from the institutions of justice.

6. Take the case of Mr. Tariq Mehboob, the Deputy General Secretary of Sunni Ittehad Council, the united front of different politico-religious parties. On 18 April 2015, the dead body of Mr. Tariq Mehboob was found in Karachi. From 11 to 17 April 2015, the Pakistan Rangers kept him in illegal detention. On April 17, he was produced before the Anti Terrorist Court (ATC), which remanded him to Rangers' custody for 90 days, under the Pakistan Protection Act (PPA). Tariq was tortured in a most vicious manner while in custody, where he allegedly died of heart attack, following which his body was dumped at the Jinnah Hospital mortuary. His knees were found to have been drilled into and his body bore many marks of severe torture.

7. On 10 January 2015, 24-year-old Syed Faraz Alam was severely beaten and tortured to death by Khokhrapar Police Station in Karachi. He was arrested on suspicion of being involved in target killings. He was taken to Korangi Industrial Area Police Station, Karachi, where he was made to suffer inhuman torture. His dead body was shifted to Jinnah Postgraduate Medical Centre, a state run hospital, where, upon postmortem, it was revealed that Faraz had sustained electrical shots on his genitals and his anus; he also had torture marks on both his legs. Faraz was a member of Muttaida Qaumi Movement, a political party with a stronghold in Karachi.

8. Similar is the case of Sohail Ahmed, a senior member of Muttaida Qaumi Movement. On 28 January 2015, the mutilated and tortured body of Sohail Ahmad was found dumped in an isolated part of Karachi. His body bore two gunshot wounds in the head and the neck. Sohail had been missing for more than a month and his family had lodged an FIR for his disappearance; it is stated in the report that he was picked up by unidentified persons from an area near his home.

9. Disappearances and extrajudicial killings across the Sindh Province continue without relent; in many cases disappearances have occurred following arrest by the police and or by persons in civilian clothes, presumed to be members of the intelligence agencies. Thereafter, while in custody, the detainees are tortured and ultimately their bodies are found dumped on the streets. In 2014, more than 100 activists from nationalist groups, particularly from the Jeay Sindh Muttahida Mahaz (JSMM), an organization that has been banned, were arrested and are still missing.

10. Statistics by themselves showcase how extrajudicial killings, not investigation, due process, and fair trial, are the norm in Pakistan. Records show that, in Sindh Province, there were 3,392 encounters in 2014 as against 2,616 in 2013. In Karachi City, as many as 925 suspects were killed in shootouts and 160 personnel of police and Rangers fell in the line of duty in 2014. Khyber Pakhtunkhwa Province police killed 26 persons in encounters in 2014, while the Punjab Province police killed 276 suspected criminals and arrested 322 in 2014. A recent HRCP report provides a breakdown of the 52 killings in January 2015; it states that 43 people were killed in police encounters, while soldiers or paramilitary killed seven and security guards killed two.

11. In Pakistan, the conviction rate is dismal. On the other hand, there is a common perception that extrajudicial killings dampen down crime. A closer look at extrajudicial killings in Pakistan show such killings to be vengeance driven, meant to settle scores, rather than to maintain law and order.

12. Many police officers are known to have demanded ransom amounts to release detainees and have threatened family members that they will kill the detainee in a fake encounter if their demands are not met. In the case of Syed Faraz Alam, the family has reported that the police did not allow them to meet with him and demanded one million Pakistani Rupees as ransom. Corruption and State impunity are dominant factors behind extrajudicial killings in fake encounters. The State has given a free hand to law enforcers and this has resulted in such killings ballooning. According to Transparency International's Corruption Perception Index 2014, the police department in Pakistan is the most corrupt of all State departments.

13. The injustice meted out to the people of Pakistan in the name of maintenance of law and order is unacceptable, arbitrary, and unlawful by all standards of international treaties, and even by the Pakistan Constitution and local laws. The Universal Declaration of Human Rights, to which Pakistan is also a signatory, under Article 3 states, "Everyone has the right to life, liberty and security of person." Article 10 of the same states, "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him." ICCPR and other declarations forbid this gross human rights violation. Under Article 6 of ICCPR it is stated, "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Furthermore, under Article 6 of the Constitution of Pakistan, it is the responsibility of the State to protect its citizens from unlawful killings; the Article states, "No person shall be deprived of life or liberty save in accordance with law." However, all the relevant international instruments and laws are shown to be meaningless in the face of continuing extrajudicial killings.

14. Under the archaic sharia laws in Pakistan, the legal heirs of the deceased have the power to forgive the accused. It has been observed that in many cases of extrajudicial killings, the families come under the immense pressure to compromise with the agency that has committed the killing and are coerced and threatened to withdraw cases against officials. The officials thereby get away with murder and no inquiry is initiated; and, even if an enquiry is conducted into the matter, the culprit is never prosecuted. To save face, the Inspector General of Police generally transfers the officer to another jurisdiction; thus another cycle of extrajudicial killing ensues. The courts also give benefit of doubt to police officers in cases of extrajudicial killings. The victim's family members, who dare report the incident, are made to go from pillar to post to seek justice. As many are poor and can't afford the cost of litigation, the case most often ends in a compromise.

Recommendations:

15. Given the above, the Asian Legal Resource Center asks the Human Rights Council to:

a) Urge the Government of Pakistan to end all extrajudicial killings forthwith and establish an impartial judicial commission to investigate all such killings.

b) Ensure that the Government overhauls the criminal justice system and policing to improve accountability and bring about adherence to the rule of law in Pakistan. Judicial, legislative, and police reforms must comply with the inalienable human rights as enshrined in the universal declarations, treaties, and the Pakistan Constitution.

c) Ensure the Government places criminal actions of LEAs under the scope of judicial review; the Government must not give unbridled powers to LEAs. Proper accountability and checks and balances must be established to make the police and the other agencies fulfilling law enforcement functions uphold human rights of people in Pakistan.

d) Urge the Government to bring intelligence agencies and particularly military intelligence under civilian control, with their accounts audited by a public authority.

United Nations A/HRC/29/NGO/53

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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

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Please recycle

Pakistan: the State is enacting more laws to restrain free speech

1. The Asian Legal Resource Centre (ALRC) would like to draw the attention of the UN Human Rights Council to the deteriorating state of freedom of expression and speech in Pakistan. In Pakistan, freedom of expression is a misnomer that exists only in name under Article 19 of the Pakistan Constitution, wherein this right includes freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media outlet.

2. Pakistan's civil government, just like the civil and military governments in the nation's past, actively suppresses political dissent. It exerts political and economic pressure on any media group that dares to defy the unofficial ban on speaking the truth, and it imposes a view that is, in fact, detrimental to state policies and economic interests. Journalists, activists, and human rights defenders are targeted for endorsing and airing any dissenting view. A media blackout on the problems of Baluchistan and on sectarian violence is especially evident. The freedoms of those professing religions other than mainstream Islam continue to be denied.

3. According to the freedom index released by Reporters without Borders, an advocacy group working for media freedom around the world, Pakistan is ranked 159 out of 180 countries. The International Federation of Journalists has cited Pakistan as being the most dangerous country for journalists in the world, with 14 journalists killed in 2014 alone.

4. Public discourse and free speech is officially banned. The State is enacting more laws to restrain free speech, such as The Prevention of Cyber Crime Act 2015, to add to the climate of suppression that has engulfed Pakistan with the ad hoc enforcement of black laws such as the Protection of Pakistan Act 2014 and the harsh blasphemy laws.

5. Freedom of expression is stifled in electronic and print media, especially in the vernacular press, which has deeper penetration among the masses. The government maintains a contemptuous stance on civil liberties, freedom of the press, and free speech. Freedom of expression as guaranteed under the Constitution has repeatedly been suppressed in the name of national security or the glory of Islam. Writing or speaking against the Military, particularly the ISI (Pakistan's intelligence wing) has been considered taboo and no media house dares to cross the line. Raza Rumi, Hamid Mir, and other outspoken journalists have been threatened or banished from the country while others have resorted to self-exile. Those who have the courage to speak against institutionalized terrorism in the name of national security are made examples of by the Military.

6. The State, in a move to curtail freedom of expression over the Internet, has recently pushed for the promulgation of a Bill titled "The Prevention of Cyber Crime Act 2015." The Bill contains three provisions that will allow the government to censor any content without referring to a judge, use overly broad criteria to criminalize many online activities, and gain access to Internet user data without any judicial control. Under Section 32 of the Bill, an authorized officer has the authority to seize data on his own without a court order. Moreover, Section 34 of the proposed law empowers the Pakistan Telecommunication Authority (PTA) to "manage intelligence and issue directions for removal or blocking the access of any intelligence through any information system." PTA can do this if it deems the information to be detrimental to "the interest of the glory of Islam or the integrity, security, or defense of Pakistan, or any part thereof, friendly relations with foreign states, public order, decency or morality, or in relation to contempt of court, or commission of or incitement to an offence under this Act".

7. On 20 June 2014, Pakistan Electronic Media Regulatory Authority (PEMRA) suspended the licenses of private TV channels Geo Entertainment and ARY News for a period of 15 and 30 days respectively for "violations" of the code of conduct. The channels were subjected to a fine of Rs. 10 million each. The move came just hours before Geo News channel was set to return to the Pakistani airwaves on 21 June 2014, following a 15 day license suspension by PEMRA imposed on 6 June 2014. Geo News had alleged that the military-led ISI intelligence network was behind the attack on senior TV anchor Hamid Mir in Karachi.

8. The phenomenon of murders committed by "unknown assailants" is rampant in Pakistan due to impunity. It is a method in active use to silence dissent. In these circumstances, journalists in Pakistan work under dire conditions, putting their lives at risk every day. Many are labeled as extremists or terrorists. For a journalist, the choice is between

keeping quiet in the face of the evil witnessed and facing the great unknown of whether they will wake up the next morning. While Pakistan is dangerous as a whole, Baluchistan is now the most dangerous place for a journalist to engage in his or her profession. Journalists find reporting in and on the Baluchistan and the Khyber Pakhtunkhwa provinces especially problematic. They face the wrath of either the militants or the Military if they report in favor of one or the other. Media houses, for their part, often refuse to take any measures to ensure security and safety of their staff.

9. Apart from cracking down on print and electronic media, the State has recently also been targeting intellectual discourse at different universities where free speech is encouraged. On 9 April 2015, the State authorities and the ISI forced the administration of Lahore University of Management Sciences (LUMS) to cancel a presentation on Baluchistan titled "Un-silencing Baluchistan." This presentation was to feature Mama Qadeer, the Chairperson of Voice of Baloch Missing Persons (VBMP), Farzana Majeed, General Secretary VBMP, and I.A. Rehman, Director of Human Rights Commission of Pakistan (HRCP), among other distinguished speakers. Ordinary citizens and students of LUMS used social media to vent their disappointment. Many termed it a violation of freedom of expression and restraint on intellectual discourse by the State.

10. On 29 April 2015, an Assistant Professor in the Department of Mass Communication at Karachi University, Dr. Waheed Rehman, well known by his pen name "Yasir Rizvi" was shot dead. Four unidentified attackers on two motorcycles opened fire on his car. On 16 April 2015, the Vice-Principal of a medical college in Karachi, Ms. Debra Lobo, an America national, was shot and seriously injured. And, on 18 September 2014, a Muslim scholar Dr. Muhammad Shakil Auj, who had been accused of blasphemy in relation a speech delivered in the United States, was shot and killed in Karachi. He was the Dean of Islamic Studies at Karachi University. It is pertinent to note, the deceased, Dr. Waheed Rehman, completed his PhD under guidance of Professor Auj.

11. On 24 April 2015, Sabeen Mahmood, the Director of T2F, a popular gathering place for poets and intellectuals in Karachi, was shot dead by unidentified assailants. She was killed for hosting the lecture on Baluchistan at T2F that was previously cancelled at LUMS. Sabeen, shot five times, died on the way to the hospital, while her mother sustained critical injuries. Sabeen was very vocal about the problems of Baluchistan and had gone ahead with the event titled "Un-silencing Baluchistan Take 2", despite having received death threats. Though a number of journalists and outspoken activists had been targeted earlier, the intelligence agencies intended to send a clear message by killing Sabeen. They have sought to instill fear in the upper and middle-class citizens who have more recently become politically vocal for rights and equality. They have wanted this group to remain silent. The killing is thus a direct attack on freedom of expression.

12. Academics, journalists, human right defenders, and activists have been increasingly targeted for speaking out against fundamentalism and the militarization of Pakistan. Intellectuals continue being attacked in the face of calls for accountability by the civil society. This is creating discontent and upheaval in the population. Freedom of expression is a fundamental and a non-derogable right guaranteed to every citizen of Pakistan. That the civilian government is allowing military and intelligence agencies to infringe upon this right is a violation in itself. That it is allowing them to continue murdering civilians in broad daylight for speaking freely exposes the real state of Pakistan.

13. In light of these realities, the Asian Legal Resource Center recommends:

a) The UN urges the Pakistan State to respects the right of every citizen to enjoy freedom of expression without impediment and without using "reasonable restriction" to suppress inalienable rights;

b) The UN urges the State to review laws that discourage and disallow freedom of expression, especially in terms of print, online, and social media, so that citizens can enjoy the freedom to air their thoughts without fear of recrimination;

c) The UN asks the State to disallow intelligence agencies from interfering with intellectual discourse in universities, which is central to the basic functioning of academic institutions.

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Human Rights Council
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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Pakistan: all private courts should be declared illegal for protecting the women's rights

1. The Asian Legal Resource Centre (ALRC) would like to draw the attention of the UN Human Rights Council to the plight of Pakistani women. Despite making advances in many fields previously thought to be male dominated, women in Pakistan are actively discriminated against by a variety of state and non state actors, and subjected to violence without possibility of redress.

2. In Article 25, the Constitution of Pakistan states, "All citizens are equal before the law and are entitled to equal protection under the law and there shall be no discrimination on the basis of sex alone." Yet, Pakistani woman are subjected to institutional discrimination, violence, and religious intolerance. Violence against women is endemic, amidst a climate of impunity and State inaction. A gender-insensitive and dysfunctional criminal justice system has failed to protect women's rights. The government has been unable to ensure that justice is administered in fairness and equality and has thus failed to protect women and their fundamental rights. Apathy, in the State apparatus and in society has resulted in an increase in incidence of violence against women.

3. In recent years, Pakistan has promulgated certain laws for better protection of women. For instance, in 2014, the Senate passed the Anti-Rape Laws (Criminal Laws Amendment) Bill, 2014, and the Anti-Honour Killings Laws (Criminal Laws Amendment) Bill, 2014. However, to date no investigation has been conducted and no case filed in Court under the Acts. No change is expected to result even in the medium term from the new laws, given the history of law making and implementation through a criminal justice system that is corrupt and intrinsically sexist. The2010 Protection against Harassment of Women at the Workplace Act is but one example; It is poorly implemented, and has not changed the realities of women in Pakistan in the workplace.

4. As Pakistan is a self-declared Islamic country, a mindset persists that women should remain in a 7th century setting, in accord with Islamic beliefs of that time. Therefore, despite the new laws, impunity remains common in the following cases: acid attack, forced conversion to Islam, denial of property rights, honour killing, forced marriage, exchange of under-age girls through illegal feudal courts, gang-rape, rape in custody, dowry violence, abduction, forced prostitution, trafficking, and in the use of women to extract confessions from accused persons.

5. "Honour killings" are not legally authorized or pardonable. However, such crimes are often forgiven through a variety of means. "Honour killings" and the impunity that follows are an outcome of poor judicial administration. Take the case of Farzana Parveen[1]. On 26 May 2014Farzana, a pregnant Pakistani woman, was stoned to death by her own family outside a court in Lahore. Not all the persons involved were arrested but some involved in her stoning have been given death sentence on November 18 2014[2]. In latest development an outside court settlement is being persuaded according to the Sharia law of Qisas.

6. An illegal feudal court system, the Jirga, is a common tool used against women in tribal society. Higher courts in Pakistan have declared the Jirga as illegal. However, some parliamentarians from Baluchistan and Sindh especially those belonging to Marri, Jhakrani, Rind, Chandio, Magsi and Bhugti tribes, have been found to be participating in the conduct of Jirgas to settle petty private matters by exchanging underage girls and declaring that certain women should be killed in "honour killings" to deprive them their share of property. Through Jirgas, many women in remote areas are killed every year. Such killings have been carried out under the most barbaric of circumstances. In Jirgas, women are often charged with having an out-of-marriage relationship and others are suspected of planning love marriages, in direct opposition to arranged marriages. Such charges are often fabricated, and result in horrific murders. These killings have become a way of resolving property disputes. Male family members in tribal areas can resent losing property to another family through marriage, and scores are settled by punishing women through Jirgas.

[1] http //www humanrights asia/news/ahrc-news/AHRC-STM-104-2014/?searchterm=Farzana%20Parveen
[2] http //www bbc com/news/world-asia-30113128

7. In cases of honour killings those accused of murder are often acquitted. The Islamic provisions of Qisas and Diyat allow accused to go scot free. As the accused of the "honour killing" is often a father, brother or husband, he is easily pardoned by the next of kin or the complainant.

8. The judicial bigotry especially comes to the forefront in cases of honor killing for example in the case of Sarnia Sarwar who was murdered at her lawyer's office in Lahore by an assassin hired by her family. She was murdered for seeking a divorce from her estranged husband, who would abuse her physically as well as mentally. A charge of murder was filed upon which the accused filed for compromise based on the Islamic principle of Qisas and Diyat (Islamic criminal justice based on retribution and compensation) the judge, who could reject this application, agreed to the compromise between the parties. Judges themselves are gender insensitive and worse, biased. The indifference of the Judiciary towards women's rights has worsened the situation for women in Pakistan. The Judiciary allows compromises between parties in honour killings, terming it to be a "personal matter". The Pakistan Judiciary therefore colludes with the injustice that is taking place in Pakistan in the name of defending "honour".

9. Lack of political will is often a major hurdle in stemming the tide of violence against women. Many high profile cases of honor killing, such as Samia Sarwar's case, managed to come into the limelight due to the political affiliation of the parties involved. However, families with such political clout such as Samia, whose father was a head of the Khyber-Pakhtunkhwa Chamber of Commerce, manage to get away with the murder and justice gets buried with the victim. In the absence of the rule of law and a functioning prosecution system, representatives of the people, powerful people, enjoy impunity. The powerful know that the police and the Judiciary can be bought off, so they prey on the weaknesses of the authorities.

10. Women's security is especially threatened in the conflict zones of Khyber Pakhtunkhwa (KPK) Province and the Federally Administered Tribal Areas bordering Afghanistan. Here, women are subjected to state-sanctioned discrimination, violence, and sexual assault. Militants target women's rights activists, political leaders and development workers with impunity.

11. The Global Gender Gap Report (GGGR), 2014 ranked Pakistan second to last in gender equality, in access to health care, education and work. And, according to a 2014 report by the Human Rights Commission of Pakistan, the following cases of violence against women were noted: 597 women and girls were gang-raped; 828 raped; 923 women and 82 underage girls were victims of "honour" killings; seven women died in the acid attacks on 92 women and 13 minors; 60 women expired in other incidents like cylinder blasts, stove burnings, and setting the victim on fire.

12. Most of the time, the police are not informed about such incidents, while some of those reported to the police are not recorded in the police daily diary. Even if a few cases are lodged, inquiries are not properly conducted and the matter becomes a cold case. Negligence of police in initial investigation result in lack of judicial redress and injustice. Police are often unwilling to implement the law due to overwhelming social acceptance of the act and the influence of the power holders. Often they are reluctant to take the case forward, as most cases are settled out of court

13. The term "honour" in Pakistan elicits a strong emotional response, being literally a matter of life and death for Pakistanis. The term is invariably associated with women's bodies. While men may flaunt their masculinity, women are expected to be submissive to the demands of the father, brother, son, husband, or male guardian.

14. A report by the International Crisis Group (ICG) titled "Women, Violence and Conflict in Pakistan" released on April 8th 2015 says that discriminatory laws and dysfunctional criminal justice systems have put women in South Asian nations at grave risk. This document cites police officers not held accountable for failing to investigate gender-based crimes, and "discriminatory laws" which continue to deny women their constitutional right to gender equality, fueling religious intolerance and violence.

15. Human rights agencies in Pakistan have repeatedly emphasized that women falling prey to karo-kari ("honour killing") are often-times those wanting to marry of their own free will. In many cases, the victims have held properties that the male members of the family did not wish to lose should the women marry outside the family. Karo-kari murders relate to inheritance problems, feud-settling, or disposal of a wife in order to remarry.

16. Women from religious minority groups, particularly from the Hindu and Christian communities are especially subject to sexual violence. Girls from these communities suffer disproportionate acts of abduction and rape. When the perpetrators are caught, they claim that the girl had converted to Islam. In this way they are afforded impunity through the Courts in the name of spreading Islam.

17. In light of the above, the ALRC would like to recommend the following:

a) The UN should urge the Pakistan State to implement CEDAW and ICCPR in true spirit.

b) The UN should encourage the Pakistan government to initiate a countrywide dialogue that advocates equality between women and men together, with a comprehensive public campaign aimed at changing traditional attitudes.

c) The State should be asked to declare all kinds of private courts to be illegal, and enforce the same.

d) The State should be encouraged to consider affirmative action, in the form of a 33% quota for women must be implemented in the Judiciary, the police and all other institutions related to the criminal justice system to change the nature of discrimination within critical state institutions.

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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

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Please recycle

Philippines: government uses law and policy to violate rights to peaceful assembly and association*

The Asian Legal Resource Centre (ALRC) and KARAPATAN Alliance for the Advancement of People's Rights – Philippines welcome the General Assembly's Resolution (A/HRC/RES/24/5) that recognizes the "importance of the freedoms of peaceful assembly and of association," and the role of civil society in "building peaceful, prosperous, and democratic" society. To be able to assemble freely and associate peacefully is important in having "good governance." Only when the rights to peaceful assembly and association are enjoyed can "transparency and accountability" be achieved.

While the General Assembly's Resolution obligates the Government to "respect and fully protect the rights of all individuals to assemble peacefully and associate freely", ALRC and Karapatan have observed targeted, systematic, and routine practices of the Government disregarding the rights to peaceful assembly and association of particular social groups. These social groups—"human rights defenders, trade unionists," and those "espousing minority of dissenting views" not only lack protection, their rights are violated in a targeted manner.

This pattern of targeted attacks on a particular social group is a denial, if not a violation, of their rights to peaceful assembly and association. This denial has undermined the "principles of the United Nations" on the role of civil society in upholding democratic values. ALRC and Karapatan are especially concerned about the following pattern: first, use of the martial law era law to repress peacefully assemblies; second, abuse of police and prosecutorial powers to justify filing of fabricated charges against activists; third, undermining of social movements, human rights groups, and trade unions.

Use of martial law era law

On 28 July 2014, thousands of protesters marched along Commonwealth Avenue, Quezon City, towards the House of Representatives (Congress). They were to protest against corruption under the government of President Benigno Aquino III. He was to give his State of the Nation Address (SONA). The protestors, however, were violently dispersed by the policemen; and protesters from outside Metro Manila who were to join the other protesters were prevented from entering major roads. Those already on major roads were blocked by around 10,000 police personnel, in addition to having their path blocked by container vans and fire trucks. The traffic police officers confiscated the driving licenses of vehicle drivers, even though there was insufficient evidence that they had violated traffic rules.

To justify their actions, the police argued that the protesters did not have a permit to hold a rally. Under the law – an Act Ensuring the Free Exercise by the People of Their Right Peaceable to Assemble and Petition the Government for Other Purposes (Batas Pambansa BP 880) – protesters are required to secure a permit from the local government before they can hold a protest. However, under the law, if it is the government that fails to act on the application for a rally permit within a period of time, the application is deemed approved, and the protesters are presumed to have complied fully with the law to hold the rally.

However, in most cases, as in this case, the Quezon City government has allegedly deliberately ignored acting on the request for the rally permit. In so doing, the police can then justify its dispersal—often in a violent, excessive, and disproportionate manner—of the protestors.

During the SONA protest, four persons, including the 12-year old daughter of one of the protesters, were arrested. Those arrested are Maria Luisa Garcia, 46; Rosita Labarez, 57; Rodel Tortola, 33; and Rodel Tortola's 12-year-old daughter, Rochel Ann. All of the protestors are residents of Barangay (village) Holy Spirit, Quezon City. The police used stun gun on Rodel and his daughter, Rochel Ann, while they were inside a *jeepney*. Labarez is the leader of Controlled Economic Zone Federation. Tortola is attached to Migrante International. They were only released after the National Union and People's Lawyers and Karapatan paralegals questioned the legality of their arrest.

When the protestors were dosed with water cannons, the Commission on Human Rights (CHR), which was monitoring the protest scene, called on the police to stop, but the call was ignored. Police continued to use water cannons on the protesters until they ran out of water supply. A complaint was filed at the CHR against the police for use of excessive and disproportionate force, but there has been no progress in relation to the complaint to date.

Abuse of police and prosecutorial powers

On numerous occasions, the ALRC has drawn the attention of the HR Council in its written submission highlighting the abuse of their powers by the police and prosecutors. During the 10th session, we noted the complicity of court judges in subverting the rules of criminal procedures to prosecute activists (A/HRC/10/NGO/89); during 19th session, we highlighted abuses of legal system (A/HRC/19/NGO/51); and during 27th session, we underlined the failure of the courts to prevent arbitrary detention (A/HRC/27/NGO/67).

In 2014, on separate incidents, two women activists were arrested and forced to endure dire and sub-human jail conditions during their pregnancy. On 27 March 2014, Andrea Rosal, who was 7-months pregnant, was arrested by agents of the National Bureau of Investigation (NBI) in Caloocan City, along with her companion, Edward Lazanas, while she was on her way for a pre-natal check-up. Rosal and Lazanas are peasant organizers in Laguna. Rosal was arrested with the use of an invalid warrant of arrest for murder and for kidnapping with murder. Lanzanas was arrested without warrant and is still detained without valid charges.

The charges on Rosal are based on the testimonial evidence of Erwin Rosales, an alleged former NPA. He claims to be the eyewitness of the crime. Rosales claim he is the widow of one of the victims. In his testimony, however, never did Rosales mention Rosal's involvement in the crime. Rosales is one of the many ready-to-testify witnesses under the custody of the military. Rosales is the military's witnesses, not only in Rosal's case, but also in three other sworn statements that implicates several individuals, mostly activists.

Another pregnant activist, Maria Miradel Torres, also endured the cramped jail cell of Taguig City Jail. On 20 June 2014, Torres, a member of the Gabriela women's group, was four months pregnant when she was arrested without warrant by the police. The police insisted that Torres is an NPA rebel using the aliases "Alex" and "Sydney." Despite Torres' repeated demand to see the warrant of arrest for used in her arrest, it was never shown to her. Inside the jail, the jail guards confiscated medicines and supplements related to her pregnancy.

Since June 2010, documentation by ALRC and Karapatan has revealed that about 700 persons have been arrested illegally and detained, most of them because of their human rights and development work. To date, there are 527 persons considered as political prisoners who are still detained in various detention facilities across the country. The ALRC and Karapatan have learned that these patterns of arrest, detention, and prosecution of human rights and political activists, mostly on fabricated charges, are also done by the police and military to acquire monetary reward.

In 2012, the Department of National Defence (DND) and the Department of Interior and Local Government (DILG) issued a Joint Order No. 14-2012. This Order contains the identities of "wanted communist leaders", with the corresponding bounty for their arrest amounting to over Php466 million. The ALRC and Karapatan are of the opinion that this policy legitimizes the illegal arrest, detention, and prosecution on fabricated charges, and it guarantees impunity to those who carry out the arrest. In effect, the Order gives legal basis to the government-sponsored moneymaking venture.

In the ALRC's previous submission, ALRC and Karapatan have drawn the Council's attention to the case of torture victim Rolly Panesa. He was arrested, tortured, and detained on 5 October 2012 (A/HRC/27/NGO/67, para. 8). The police and the military arrested him insisting that he is Benjamin Mendoza, who has a bounty of PhP5.6 million for his arrest.

Apart from Panesa, there are other persons who were arrested for purposes of acquiring reward money. Take the case of Manuel Esteban. Like Panesa, he was arrested using an arrest warrant under the name of a certain Eduardo Esteban, who has a reward of about PhP 5.8 million. Another victim, Reynaldo Ingal, a driver, was arrested under the name of Agaton Topacio, who has a reward of PhP 5 million for his capture. Topacio was arrested with Lourdes Quioc, whom the military claim is Eugenia Topacio, who has a reward of PhP 5 million. Quioc is only a cook.

Also included in the list are: Dionisio Almonte, a peasant organizer, and Dominiciano Muya, an agriculturist. Almonte, with a PhP 5 million bounty, was undergoing a medical treatment when he was arrested together with his wife. Muya, an agriculturist working for Rural Missionaries of the Philippines, has a bounty of PhP 4.8 million. Muya is also a

consultant for Salugpungan Ta Tanu Igkanugon Learning Center (STTILC), a community based school for indigenous children.

Apart from human rights and political activists, individuals who are part of the peace negotiations between the Government and the National Democratic Front (NDFP) also had reward money on their heads. Alston, in the March 2007 report, notes "the document, co-signed by senior military and police officials, calls upon "all members of the intelligence community to enhance a more comprehensive and concerted effort against the CPP/NPA/NDF (Communist Party of the Philippines/New People's Army/National Democratic Front)" (A/HRC/4/20/Add.3, para. 9). This document has given impetus to a government-sponsored moneymaking activity.

It explains that the arrest of Benito Tiamzon and Wilma Austria-Tiamzon, both peace consultants of the NDFP, as both "part of concerted effort against NDF" and to allegedly acquire Php10 million bounty for each of their arrests. On 22 March 2014, when Benito Tiamzon, Wilma Austria-Tiamzon, and five companions were arrested in Carcar, Cebu, they were facilitating relief and rehabilitation operations in Central and Eastern Visayas regions.

Another consultant, Roy Erecre, who has a Php 5.6 million reward, was also arrested in the Visayas. The arrest of these consultants has reportedly violated the Joint Agreement on Safety and Immunity Guarantees (JASIG), and the Government's disregard of the agreements made on the ongoing peace negotiations. In response to criticisms, the government amended the Joint Order by deleting the names of NDFP peace consultants, among them Wilma Austria-Tiamzon. It was supposedly "in recognition of the pending peace negotiations and conditions upon the existence of said peace negotiations." Austria-Tiamzon, however, remains in detention.

Impact on human rights and social movements

As shown in the first and second categories above, the ALRC and Karapatan are of the opinion that these patterns have targeted particular social groups, notably the human rights and political activists, whom the police and military have associated with the communist movement. The ALRC and Karapatan, therefore, express grave concern about the Government's policy and practices that, not only violate, but also deny protection to "persons espousing minority or dissenting views or beliefs" that the Government ought to protect.

Recommendations:

The ALRC and Karapatan urge the Council to draw the government's attention:

a) To the need for withdrawing its counter-insurgency program, *Oplan Bayanihan*. This program has been identified as one of the causes of violations;

b) To conduct a thorough review of all the criminal cases against human rights and political activists, and to withdraw those charges where there is evidence of the irregularities in the arrest, detention, and filing of charges;

c) To implement Alton's March 2007 recommendation for the military to cease their labelling of human rights and political activists as "members of front organizations of communists" and "enemies of the state";

d) To improve living conditions in jails and detention facilities.

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*KARAPATAN Alliance for the Advancement of People's Rights – Philippines NGO without consultative status, also shares the views expressed in this statement.

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Human rights situations that require the Council's attention

Written statement* submitted by the Asian Legal Resource Centre, a non-governmental organization in general consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[25 May 2015]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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1509043

Please recycle

Philippines: government policy and practice defeat UN's objective to eliminate killings*

The Asian Legal Resource Centre (ALRC) and KARAPATAN Alliance for the Advancement of People's Rights – Philippines (Karapatan) welcome the General Assembly's Resolution (A/HRC/RES/26/12) reaffirming the "need for effective action to combat and eliminate the abhorrent practice of extrajudicial" killings. The failure, if not inability, to hold the perpetrators accountable," as the Resolution rightly pointed, "remains the main cause of the continued occurrence" of extrajudicial killings.

Welcoming the extension of the mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the ALRC and Karapatan wish to draw the Rapporteur's attention, and urged her/him, to focus on these grave concerns with respect to the ongoing and targeted attacks on human rights and political activists. As noted in ALRC's Oral Intervention during the 21st Session of the Council, "we have serious doubts" the Philippine government would enforce the recommendation.

Nearly three years after the Universal Periodic Review (UPR) and despite the Government's assurances that it would take "firm measures to address the problem of extrajudicial killings and enforced disappearances," extrajudicial killings, enforced disappearances, and targeted attacks against human rights and political activists have continued without relent under the administration of President Benigno Simeon "Noynoy" Aquino III.

From June 2010 to present, 238 persons have been victims of extrajudicial killings; of these, 106 are human rights defenders. As documented by the ALRC and Karapatan, the situation on the ground has continued to deteriorate rather than improve, notably as the Government has implemented its counterinsurgency program, *Oplan Bayanihan*. This program has been identified as the cause for continued violations of the right to life, committed most notably by the state security forces—the police, military, paramilitary, and those under their oversight.

As noted in the Resolution, while "human rights law provide an important framework of accountability," there are policies and practices of the Government that defeat what this framework of accountability aims to achieve: first, on counter insurgency programs; second, military listings of human rights and political activists as "target persons"; third, targeted prosecutions of activists based on ready-to-testify witnesses under military custody and evidence of questionable merit.

On counter-insurgency program, Oplan Bantay Laya

At the conclusion of his country visit on March 2007, former Special Rapporteur Philip Alston identified the causes that constitute the killings: first, the "vilification," "labelling", or guilt by association; second, the extent to which aspects of the Government's counter-insurgency has impacted on the political and civil rights of persons (A/HRC/4/20/Add.3, para 8). His observation was confirmed by the admission of Gen. Avelino Razon, former Chief of the Philippine National Police, during the inquiry conducted by the Melo Commission, on which he "agrees with the statement of Gen. Palparan that organizations such as Karapatan and Bayan Muna are 'fronts'" of the communist party and its armed group. (Melo Commission Report, 2007, p8)

This ideology—which does not distinguish legitimate activities and advocacies of the unarmed human rights and political activists with the activities of armed rebels—remains entrenched in the police and military establishment. The causes have been identified, but there is no concrete and substantial progress to prevent and stop the killings, and to ensure accountability. Rather, the phenomenon continues.

In 15 March 2014, Romeo Capalla, 65, a member of the Board of Directors of the Panay Fair Trade Center (PFTC) was shot dead in Iloilo. His group is a member organization of the International Federation of Alternative Trade that exports certified organic *muscovado* sugar and banana chips. Earlier, on 5 July 2010, Capalla's colleague, Fernando Baldomero, was murdered. Baldomero was the provincial Chairperson of Bayan Muna Partylist. He was the first victim of extrajudicial killings under the current Aquino government. Capalla and Baldomero were also included in the "Order of Battle" list of the 8th Infantry Division of the Philippines Army.

The local police filed a deliberately weakened charge against Baldomero's perpetrators. To date, none of those charged for his murder have been arrested to face trial, despite the issuance of a warrant of arrest. In Capalla's case, the prosecutors dismissed the complaint against the perpetrators.

On 24 March 2014, human rights defender William Bugatti was shot dead in Kiangan, Ifugao Province. He was on his way home when the perpetrators, believed to have links with the Armed Forces of the Philippines (AFP), shot him dead. At the time of his death, Bugatti worked for Cordillera Human Rights Alliance (CHRA), one of the member organizations of Karapatan. His name was listed and posted by the 5th Infantry Division of the Philippine Armed and 86th Infantry Battalion, in Tinoc, Ifugao, as "brains of the NPA." The list also included Jude Baggo, Secretary General of Karapatan for Cordillera region.

Similar cases of extrajudicial killings of human rights and political activists, whom the military claim have links with communist rebels, have occurred. The documentation by Karapatan and the AHRC reveals these activists were killed due to their advocacy and work on the protection of rights, notably those of the oppressed and the indigenous minority.

Take the case of Cristina Jose, one of the villagers who became victim to internal displacement due to typhoon *Pablo*. After Jose protested at the Government's outright neglect, inefficiency, and corruption in providing assistance to victims, she was shot dead. On 4 March 2013, Jose was murdered in front of her niece and daughter, as they were riding on a motorcycle. At the time of her death, Jose was a village councilor in Baganga, Davao Oriental. She also questioned the authority of the military to control the distribution of relief goods in her town on pretext this would ensure the village would not end up under the control of the communist rebels.

On 7 October 2011, Italian missionary Fr. Fausto "Pops" Tentorio was shot dead in the compound of his church in Arakan, North Cotabato. For decades Fr. Tentorio was a parish priest and member of the Pontifical Institute for Foreign Mission (PIME). He campaigned against the operation of large-scale mining companies. The perpetrators belong to a paramilitary group, Bagani, under the oversight of the 57th Infantry Battalion of the Philippine Army (IBPA). The perpetrators are yet to be prosecuted.

On human rights and political activists as "target persons"

On June 2, 2009, the ALRC's sister organisation, the Asian Human Rights Commission (AHRC), has reported that in Davao City 105 human rights defenders—which includes, lawyers, journalists, human rights and political activists, physicians, union leaders and religious leaders—have been listed as targets by the military. Their names are listed in the 67-page power-point presentation, which is reported to have been prepared by the 10th Infantry Division (ID), AFP.

In a letter to the AHRC, dated 9 June 2009, P/Sr. Supt Franklin Jesus Bucayu, Chief of the PNP Human Rights Affairs Office, has given assurance "he will conduct meetings with concerned office of the AFP, specifically the AFP Human Rights Office and Task Force Usig, to talk and inquire on this leaked document. (His) office will inform you of the progress of the actions taken soon as we have developments." To date, the AHRC has not receive any information from him on the progress of his inquiry. Therefore, in line with the GA's Resolution, we have urged the Special Rapporteur to "react appropriately and expeditiously", as this is a clear example whereby the Government "have not yet responded to communications submitted to them" in substance.

The ALRC and Karapatan are of the opinion that the PNP fails to take prompt, effective, and impartial investigation that can hold the military establishment accountable. Their failure means that Alston's recommendation in 2007, wherein the Government was tasked to "immediately direct all military officers to cease making public statements linking political or other civil society groups to those engaged in armed insurgencies"(A/HRC/4/20/Add.3, para 15(a)) is yet to be implemented.

As a result, Capalla and Baldomero have been targeted by the paramilitary Revolutionary Proletarian Army – Alex Boncayao Brigade (RPP-ABB), under the orders of the 8th Infantry Division of the Philippine Army (IDPA). Prior to Jose's murder, the military harassed and labelled her as "councilor of the New People's Army." Bugatti was killed after his name appeared in the list of 'targets persons' by the military.

On 18 October 2012, anti-mining activist Juvy Capion, and her sons, Jordan and John Mark, were killed by soldiers attached to the 27th IBPA in Kiblawan, Davao del Sur. The perpetrators claimed the victims were engaged in an encounter with them; however, investigations revealed otherwise. Juvy was two months pregnant at that time. Two months later, Juvy's brother-in-law, Kitari, was also killed during a military operation. The Capions were members of the B'laan tribe opposing the incursion of the Xstrata-SMI Mining Corporation of their ancestral land. After Kitari's murder, the B'laan community were forced to evacuate their homes. Similarly, Datu Anting Freay and his son, Victor, were also murdered in 23 August 2013.

Targeted prosecution of human rights and political activists

ALRC, in its submission during the 28th session of the Council, welcomed the Government's "abolition of Inter-Agency Legal Action Group (IALAG)" (A/HRC/28/NGO/84, para. 13). However, we also noted the "increasing trend of the filing of fabricated charges against persons (defenders) perceived as 'enemies of the state' and 'purported front groups' of the Communist Party".

In fact, some of those who had been murdered were falsely charged, arrested, detained, and prosecuted on questionable evidence. In August 2005, prior to the murders of Capalla and Baldomero, they were arrested on fabricated charges of arson. Capalla and Baldemero were former political prisoners.

In 2011, Ericson Acosta, a poet and cultural worker, was arrested without warrant by members of the AFP on the island of Samar. He was doing his research on human rights and the situation of peasants. He was interrogated and tortured for three days. To justify the arrest, he was falsely charged with the illegal possession of explosives. It was only in January 2013 that Acosta was released from detention after the Department of Justice (DoJ) dismissed the charges against him for lack of basis and ordered the Samar provincial prosecutor to file a motion to withdraw the information filed against the 40-year-old Acosta.

On 1 October 2013, Kim Gargar, an environmental scientist, was arrested. Gargar was conducting his research on reforestation and the rehabilitation of forest areas devastated by typhoon Pablo/Bopha in Cateel, Davao Oriental Province. The army, however, claim Gargar to be a member of the New People's Army and took him into custody. His belongings were confiscated. At the police station where he was taken, he was interrogated in absence of legal counsel, and his request for immediate medical assistance was ignored. The police and army took him to the hospital after they finished interrogating him. Gargar was charged with murder, with illegal possession of firearms and explosives, and for violating the election gun ban.

In January 2015, during the visit of Pope Francis to the Philippines, political prisoners all over the Philippines staged a coordinated hunger strike to express their urgent plea for freedom, justice, and human rights. The detainees at the Special Intensive Care Area 1 (SICA) of the Metro Manila District Jail at Camp Bagong Diwa, Taguig City, initiated the hunger strike. However, the jail authorities confronted them with repressive measures inside the jail. On succeeding days, doctors, lawyers and paralegals, and other rights advocates and supporters, and some of their family members, were prevented from entering the jail.

Recommendations

The ALRC and Karapatan urge the Council to draw the attention of the Philippine government so that it considers:

Withdrawing its counter-insurgency program, *Oplan Bayanihan*. As noted in this submission, the program has been identified as one of the causes of continuing extrajudicial killings, notably that of innocent unarmed civilians;

Implementing the recommendation of Prof. Alston that the Government must direct the military to cease labelling and targeting human rights defenders as "front organizations of the communists" and "enemies of the state";

Ensuring that investigation into cases of extrajudicial killings, disappearance, torture, and fabrication of charges of human rights and political activists are effective, impartial, and prompt. Only through prosecution and punishment of perpetrators can the framework of accountability have meaning in practice.

*KARAPATAN Alliance for the Advancement of People's Rights – Philippines NGO without consultative status, also shares the views expressed in this statement.

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Penal measures against the arrested children of Al-Qods

1. Detaining them with murderers

After investigating the children, the occupation keeps them the arrested children of Al-Qods with Jewish murderers as killers and drug addicts. The child "Obaida Amer Saed", 16 years began open food strike to protest against transporting him from Al-Maskobeye cop office into "Ofik" civil jail in January 2014. He was taken there by force since he had refused to do this, so he began his food strike.

The arrested children in the jails: Hasharon, Al-Ramlah, and Ofik are really endangered since their rooms are near the criminals' ones, so they are always subject of insults and attacks. The activist "Amjad Abo Assab" says that the child's of AlQods suffering is not limited only in arresting him, but he also suffers from psychological crises in a jail far from his parents' care, so he suffers from involuntary wetting, hair fail, isolation, and others.

He indicates that keeping these children with Israeli criminals either in Office crime jail in Natanya region or in Hasharon proposes to discharge them from their national feeling since the jailer deals with as crime prisoners as the Israeli ones, so they are given lectures from "guides" as other crime prisoners.

He ensures that after release, Al-Qods arrested children's care, attitudes, and thinking differ, so some of them become robbers and others drug addict, while some of them suffer from psychological disorders.

2- House arrest residence "Grounding at home":
According to the occupation, the beautiful and calm home may change into a jail, so the tender parents and siblings involuntary change into jailers, the matter that leads to disequilibrium of the family that lacks any stability. This is real not imagination that happens only under the Israeli occupation which imposes on Al-Qods Children this policy. Grounding the children at home may lengthen according the occupation's decision that may renew the period of grounding them as what happens with the administrative prisoners.

Abu Assab, the head of the family committee of the Al-Qods prisoners, considers that the policy of grounding children at home is the worst period the children pass through, so they are deprived from movement and even going to school. Due to isolation, they become aggressive and lack trust in others. Their arrest conditions cause for them serious psychological crises as involuntary wetting and hair fall.

The occupation used this policy in the first half of 2013 against more than 40 children and women from Al-Qods only. Some of them were kept in their homes, and others in their relatives' ones far from their residence. This second type is more difficult than the first since the children is forced to live directly with unfamiliar people, so this really led to some social and psychological problems mainly when the period of grounding is long.

The occupation proposes Al-Qods Children since their early age does allow the occupation to keep them in the jails, the alternative is grounding them at homes.

The consequences of house arrest residence on the children show after ending this period which affects them negatively; they have to play with their mates outside house and pursue their education, but this never happens since they have no freedom to move. The child becomes stressful and aggressive mainly when he is unable to share fun and play with his peers who change as his enemies since he considers them his jailers. The family then start to insult and punish him due to his stubbornness, arguments, and some bad actions. This causes negative effects on the social relation and makes a wall between the child and his family. Educationally, being far from the school atmosphere, the child's performance becomes back, and he may be fired out from school due continuous absence.

In 30-6-2013, the Israeli police imposed house arrest residence on the child Saif Ghaleb Rowaidi, 11 years old, in his home in Salwan after detaining him for hours in Sallah Din cop office in Al-Qods. Accompanying his brother, this child was arrested during his back from school since the occupation accused him of throwing empty bottles on the settlers in Salwan .

This policy is applied also on the Al-Qods child "Moslim Mohammad Awada," 13 years old. He was detained for 2 days, and then grounded home for a month, but he was allowed to go to school with a fellow. His family had also to pay a bail – 1000 Shekel. He was arrested in 13-2-2013 from his home and accused of throwing the burning bottles and stones towards the settlements in Salwan. It is the 14th time of arresting him.

In 10-3-2015, the reconciliation court in Al-Qods imposed house arrest residence for a week on 6 children from Al-Thawri neighbourhood ; they are: Ashraf Hani Gheith (14 years old), Mohammad Younis Abdel-Razzak (14), Mohammad Khaled Abdel-Razzak (12), Moatazz Shwaiki (13), Marwan Alawat (14), and Mohammad Al-Telhami (15) in addition to paying a bail of 500 Shekel and a bait of third side -5000 Shekel. They were arrested and accused of throwing stones and burning bottles on settlements. Alas, they were summoned in the next morning.

3- Exclusion from house

The house arrest residence was not enough, but the occupation also added another punishment on the Al-Qods children; it is the "exclusion from house" which means spending the arrest period in driving away the child from his home to another far one. This punishment which is applied by a decree from the occupation court multiplies the suffering of the child and his family. It is really a burden on the family who have to stay this period with their child, so he doesn't feel strange and lonely, and to satisfy his needs. The family sign a pledge to pay sum of money the decree is not carried out. Driving the children away from their homes opposes the world declaration of child rights, 1959, and child right agreements issued in 1989. The two articles 37 and 38 declare that the child must not be subject to any torture, or any kind of inhuman hard treatment. Also, the child must not be deprived of his freedom under any illegal or oppressing law. They declare that the child is arrested or detained in a jail according the law, and in a shelter for shorter suitable time.

In 3-7-2014 the occupation forces arrested the child Tarek Abu Khdair- cousin of the martyr Mohammad Abu Khdair- and aggressively assaulted him, so he had breaks in the jaw and wounds in the face. In 6-7-2014, the judge decided to release him and drive him away his house in Shaafat in the middle of Al-Qods to Beit Hanina – nearby- for 15 days. He was also sentenced to house arrest residence for 9 days and pay 3000 Shekel, and addition to 10000 Shekel paid by a third side.

Since this child has the American nationality, the exterior ministry on the tongue of Jean Bssaki- the official speaker- invited for a fast and fair investigation as well as punished who use excessive force.

He said: "We can ensure that Tarek Abu Khdair is an American citizen, and he is detained by the authorities in Al-Qods, and a leader from the American consulate visited him in Al-Qods yesterday."

He added: "We feel deeply worried about the reports which show that Tarek Abu Khdair was severely beaten in the cop office, and we condemn vehemently any use of excessive force. We invite for a fast and fair investigation that punishes who uses the excessive force."

He complete: "We assure our worried feeling about the increase of violent actions, and call all sides to take serious steps to settle down the conditions and protect the innocents.

4- Imposing a financial bail:

In addition to the judgments, the occupation imposes high financial bails. It forced the family of Sohaib Al-Awar, from Al-Qods, to pay 18000 Shekel as cash, and sign a pledge to pay 65000 if their son breaks the decree of "home arrest residence" which was imposed on him after releasing him and keeping him in his grandma's home in AL-Mokabber Mount in Al-Qods for 4 months, while his home lies in Selwan.

The central court in Al-Qods imposed exclusion and arrest house residence on the child Mahran Al-Jaabari, 12 years old from Al-Qods. The same thing happened with a sixteen year child, Shadi Al-Awar, who excluded to Al-Mokabber Mount till judging him and this of course after paying 3000 Shekel.

Amjad Abo Asab , the head of the family committee of the Al-Qods prisoners, assures that paying such bails is considered a savage economical policy that aims to oppress and suffocate Al-Qods people. He clarified that the Israeli

attorney general prosecution has demanded lately the indictment which was framed against the arrested children for the purpose of increasing the financial bail to reach 1000000 Shekel. Doesn't this deserve a serious stand from all legislation and right institutes, as well as United Nation and its organization to deter this occupation's policy?

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Human rights situation in Palestine and other occupied Arab territories

Written statement* submitted by the Khiam Rehabilitation Center for Victims of Torture, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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Please recycle

Certificates about arresting and oppressing Al-Qods children

Shadi Ghrab, 15 years old, was arrested during his back from school
After he had been detained at Str. Sallahdin, in the middle of Al-Qods order to search him, he was arrest. Shad said that the soldiers demanded his I.D. (identity Card), but he gave them his birth certificate, so he was taken to the cop office.
He said: after entering the office, they began beating him, and then they put me in a dark room. He Showed that the soldiers drove him to the corner where there were no watching cameras to get the hard strikes that caused bruises in his body and break in his foot.

Shadi could get out from the cop office and call his friends who took him to Al-Makased Hospital. He said that had been arrested before, but this time he was oppressed and tortured more than the previous one.

Arresting 4 children and investigating them
The twins Mohammad and Ali Al-Shoyoki 17 years old, were released under condition of arrest home residence for 5 days and pay a stay bail for three months. Their third brother Fares (15) is under arrest home residence, while their fourth brother Feras is still in the occupation jail.

Their mother says that the occupation forces violently assault their home in Salwan at 2 p.m., and one of her son is arrested in each attack. In the last time the twins Mohammad and Ali were arrested. They were sleeping in their room when the soldiers put the guns on their heads.

Al-Shoyoki narrated that the occupation forces didn't allow their sons to wear their clothes, so they were arrested with bare feet, chained, and muffled to be beaten in front of the family. She ensures that she headed direct to the police station, but the investigators refused to let her enter and forced her to wait for them at the court.

She said that her son Mohammad was arrested twice during one month. He was sentenced by: exclusion from Al-Aqsa mosque for 21 days, arrest home residence for 5 days, and pay 3000 Shekel. She said that Mohammad was arrested four time and Ali two times.

Fares is subject now to an arrest home residence for a year, and he is passing through hard conditions that forced him to quit school and choose vocational study, but he was refused to study under the pretension of his weak abilities. The judge also refused to let him work for a definite period. Sometimes he starts weeping for not being able to get out. He knows when getting out, him mom will be arrested. Fares wishes he would get out and buy ice cream, but the occupation patrol is always outside to arrest him if he gets out.

She added that he became aggressive and stressful began breaking the household items after 5 months of grounding him at home. They informed the court judge that he had tried to commit suicide, but he refused to cancel the arrest .home residence."

The child Tarek Abu Khdair, 15 years old: arrest and aggressive assault
Al- Damir institute for caring the prisoners and human rights assured that special Israeli forces assaulted aggressively the child Tarek, then arrested him near his house in 3-7-2014 at 8 p.m. he was hurt in his head, chest, and back, and he was never taken to the hospital till midnight.

The attorney of this institute advocating Tarek at the court said that the purpose of these strikes was to kill him since they caused malformation in the face and other bruises on the head and other bruises on the head and chest . despite of this, the judge of the reconciliation court refused to release him and decided to investigate and keep him for 3 days, so he can't get out the country due to having the American nationality.

All the abusive actions against Tarek were recorded in a video, so despite of watching this video and other medical report that documents Tarek's conditions, the judge decided to lengthen his arrest to investigate him. This of course increases his anguish on the investigators' hands in Al-Maskobeya center.

The prisoner child Mohammad Zeyad Zaidani, 14 years old, from Salwan, Al-Qods said:
I was arrested from my home at 2 o'clock at night by a special forces and other army units after disarranging the house, and I was taken for investigation at Al-Maskobeya center, room no. 4.

Before arriving the center, they got me down in the street and began hitting severely and aggressively with their hands and legs which caused many bruises and breaks in my body.

In Al-Maskobeya center, I was offensively and variously beaten and forced to knee and put my head among my legs while I was chained and blindfolded. Mohammad Zaidani was kep in that state for 4 hours, and the investigation lasted for 12 hours without allowing him to eat or go to the bathroom.

He added during the investigation rounds which lasted till after midnight, the investigators were hitting him on head in the stomach using sometimes an instrument as a stick, and put it on the feet. The pressed a button connected to electricity, and fast he felt with an electric shock that invades his feet and body causing great pains in the legs. Mohammad certificates that the investigator insisted Mohammad confess, so he repeated these shocks many times. When he couldn't bear this pain, he began crying loudly.

The prisoner child "Kazem Faraj Annous", 15 years old, from Ras Al_amoud in Al-Qods:
I was arrested at 5 a.m. when the intelligence and other soldiers attacked my home, and I was taken blindfolded And chained for long hours in the chilly weather.

There I was beaten from a soldier using his ironed shoes that caused great pains and bruises, to be taken later to Al-Maskobeya center, room 4.

Chained, muffled, and facing the wall, the investigation lasted for 4 continuous hours. They began slapping and hitting me on face and in my tummy to feel with great pains. I stayed in that center for 12 days.

I while I was being taken to the court, I was hit by Nahshon forces, and I was deliberately and tightly chained. Once, a member of Nahshon forces entered the waiting room inside the court, and began hitting me and stubbing my head on the wall, the matter that caused great bruises, pains, and other breaks.

These certificates assure:
After the popular uprising due to burning Mohammad Abu Khdair in 2014, the occupation multiplied arresting Al-Qods children for the purpose of oppressing the uprising:

1. The occupation deal with Al-Qods chitldren aggressively and offensively, and the evidence is the harsh treatment they receive during the arrest.
2. The occupation disobeys stubbornly all human documents that invite to avoid arresting and torturing children as the first choice.
3. The occupation tries hard to legislate imposing high sentences on the Al-Qods children who are arrested due to throwing stones. It tries to edit the penal laws to be able to arrest the underage children and imprison them 10-20 years.
4. The occupation exploit arrest Al-Qods children to evacuate this holly city from its real citizens. To clarify, arresting the child is considered a black point in his security report, so he can't renew his ID (identitiy card)since the Ministry of Interior asks for a good behavior certificate, so he won't get it.
5. The occupation deals with Al-Qods child as an Israeli citizen holding a blue ID, but not during arrest.
6. The occupation tries to wash the minds of Al-Qods children by making lectures and conferences given by psychologists inside the jail- of course with criminals.
7. The occupation tries to kill the children's national spirit and belonging by practicing all kinds of oppression.
8. The occupation tries to shake the Al-Qods children's personality by applying arrest home residence and changing the parents into jailers.
9. The occupation tries to exhaust the Al-Qods children's families financially accompanied with high decrees.

10. The occupation give Al-Qods children strict judgments to deter other from disobeying its orders.
11. The occupation treat Al-Qods children intolerantly and discriminately. The Palestinian children and the Jewish ones are not the same in the rights and prison conditions.

So, Al-Kheyam center for Rehabilitating the Victims of Torture, Tadamon Committee, and the Palestinian Prisoners Center demand all the international institutes that care for the children's affair to interfere soon to let the Israeli occupation protect the Al-Qods children – either the liberated or the arrested ones- and give them all kinds of social and psychological supports

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Please recycle

Arresting Al-Qods Children

There are about 300 Palestinian children – under 18 years old- in the occupation jails. These children are from various cities and villages of the West Bank and Al-Qods. Al-Qods children are 52, 17% of the total average of the arrested children. In 2013 there were only 23 Palestinian children in their jails.

From Al-Qods children, 28 are sentences, and 24 are detained. According the Palestinian Prisoner Club, 8 Al-Qods children are subject to arrest daily, most of them are underage. Sometimes, more than 60 Al-Qods children are arrested, investigated for hours or days, and then released.

It is observed that arresting Al-Qods children increases. In Al-Qods city, 380 children were Arrested in 2013, but in 2014, 6000 children under 18 were arrested. Last January, 2015, the occupation arrested 160 Al-Qods children, 40% of them are underage, and according to some declaration and statements 25% are driven away from their homes into tohers either inside or outside Al-Qods.

The liberated and prisoners Staff said the deported Al-Qods children in 2014 were 37, while 253 were under arrest home residence. The total rate of the arrested Al-Qods children compared with the total number of all arrested children was 53 %.

The Staff considered that the arrest home residence makes the child's parents jailers, so it is a punishment for the whole family. The occupation install a warning instrument around the child's leg to identify his place, and if he commits with the punishment- and of curse under the monitor of the Israeli police and security systems.

This Staff added that the Israeli measures impose on the child's parents to sign a pledge of not breaking any decree. If any break of the laws happens, the parents pay a financial bail and may be arrested. Also the child will be arrested again and driven away with one of his parents.

The youngest arrested child from Al-Qods is Obaida Mohsen Ayesh, 7 years old. Also, Mohammad Abdel-Hay Al-Zir, 13 years old from Al-Qods is another child who suffers from cardian illness, and considered a handicapped one. A unique incident happened when atn occupation force attacked the home of the child Hamza Hazem Zaidani in Selwan. But after discovering he is only two years old, they left him.

The occupation forces use the excessive force during the arrests, so a lot of armored soldiers attack aggressively the homes and kidnap the child from his parents' cuddle. Feeling insecure, the child is savagely put in a military jeep.

Zeyad Al-Hammori describes the international position toward Al-Qods children with cowardice since there is no real will to deter the occupation oppress Al-Qods children. He said the main aim of arresting Al-Qods children is creating a terrible atmosphere for the children, and then distort their thinking, belonging, and even their psychology.

Timing these arrests are thoughtful and systematic not by chance to influence the child's psychology. He considers that threatening the children by driving them away from their families and taking those to other Jewish families dangerously threaten the children.

Al-Hammori assures that the way of arrest is illegal for the Israeli laws which ask for treating the children well since this way which happens at midnight is really full of terror especially they deprive the parents or the attorneys to accompany the children who are accompanied by only military vehicles.

The headmaster of the inquiring program in International Movement for Defending the Children , Ayda Abu Ktaisha, shows the multiple suffering of Al-Qods children since the ways of arresting them deprives them from all rights that other arrested children enjoy. These rights are represented in timing the arrest, accompanying the parents with them, and getting confession by force; Al-Qods children lack these rights.

He added: despite the children of the West Bank are handled by military orders, and the Al-Qods children are handled by civil laws, practically there is no difference between both.

He clarified in a declaration to channel "Hona Al-Qods" that the international law allows arresting the children as the last choice and for a short duration, but Al-Qods children suffer from harder conditions represented in arrest home residence and high financial bail.

Some specialists pointed Al-Qods children are facing a threatening future when the occupation court adds a black point in their security report, that matter that threatens their future since it deprives them from renewing his ID after 10 years. The Ministry of Interior asks for a good behavior certificate from the occupation police. If there is any article that opposes the Ministry's demand, he can't get the ID. The occupation is establishing a future malicious idea which by targeting the Al-Qods children, Al-Qods will be empty from its real citizens.

Increaseof targeting the Al-Qods child
Arresting the Al-Qods children has increased lately especially after the uprising caused by burning Al-Qods child Mohammad Abu Khdair, so the children are strictly handled; this what the Israeli press declared. This press demanded the Israeli attorney general prosecution to punish so strictly the Al-Qods children, so throwing stones at the Israeli Vehicles may reduce. This press also asked for lengthening the period of the children's arrest till the end of all legal procedures which may last for a year.

The sanction law which contains 275 articles has been edited and modified for the purpose of have stricter laws against stone throwers and convict them without any need to confirm any harm done by the child. So, the edited law will permit the occupation to arrest underage children from 10 to 20 years, and this happens if any cop claims of seeing a child throwing stones on the vehicles of settlers and soldiers. This law often targets the Al-Qods children

The increasing arrests for Al-Qods children targets to destroy the children's psychology, so the child changes from a striving child defending his rights and homeland into another one far from those things. However, the occupation is exaggerating in hurting the arrested Al-Qods children and it deliberately terrifies and oppresses them in the presence of their parents and in addition to financial bails, it imposes on them high sentences.

Besides the occupation arrest, the settlers kidnap Al-Qods children as what happened with the Al-Qods child "Mohammad Saed Awaita" who was kidnapped by Arabists (settlers claiming to be Arab) in 26-1-2015. While he was playing ball, he was beaten, and then arrested; taking into consideration he suffers from diabetes.

The Al-Qods child "Ahmad Jehad Awaita, 15 years old, remembers the moment of attacking his home by a special Israeli force who invaded them offensively at dawn while they were sleeping. He remembers when he was arrested and taken to Al-Maskobeye where he was put in isolation. After three hours, he was investigated for 2.5 hrs.

He describes the time he spent in Al-Maskobeye: "I was blackmailed when I was accused of doing things I had never heard about. It is difficult describe these hard moments.

He adds: "I felt with stress and fear since it was my first experience of arrest. The hardest moment is watching my mom crying and shedding tears." After hours of investigation in the absence of his family - as the Israeli law declares- Ahmad was released after paying 1000 Shekel , and without going to the court.

To go on having stricter decree for the Al-Qods children, the general attorney prosecution demanded to imprison the child "Jamal Imad Al-Zaatari"-15 years old, for not less than 20 months due to throwing stones. the child "Al-Zaatari" was taken to the reconciliation court, then to the central court in Al-Qods. His dad was banned several times to visit for unknown reasons.

In an incident that showed the lies of occupation claims, the judge of the reconciliation court in 16-3-2015 issued a decision to release immediately a boy from Al-Qods "Laith Jamal Hosaini" 15 years old, after showing his guilessness. After 6 months of investigation, the general attorney and police officers were known of their lying. After spending 6 months in the jail, the child "Hosainin" who had been arrested in 13-9 – 2014 while passing Sheefat barricade, was beaten and hit by the soldiers, and was accused of throwing stones.

Al-Maskobeya Jail:
Most arrested children from Al-Qods Are taken directly to Al-Maskobeya Jail in Al-Qods where investigation takes place in hard conditions, and of course without allowing their parents or attorney to attend. The occupation threatens this young child and applies all kinds of oppression to confess the accusation which is mainly throwing stones one the vehicles of the settlers and army.

Al-Maskobeya Jail in Al-Qods is considered the worst jail in "Israel", and the prisoners call it "The Jail of Death". Most of its visitors are from Al-Qods. The state Israel arrests and detains the children in hard conditions. They get the same bad treatment as the other Palestinian prisoners.

Since the beginning of the second Itifada (uprising), the occupation state adopts a systematic policy towards the arrested children of Al-Qods as making long and complex judgments as well as hard investigation in in addition to the lack education and health care.

The occupation government adopts a discriminating policy against the Palestinian children since it considers the Israeli child is the one who hasn't reached 18, while the Palestinian child is the one who hasn't reached 16, and this opposes to the occupation commitment to supply suitable judicial guarantee. This policy has to guarantee judgment according to the child right agreements and the human international law. The occupation really deals with the Palestinian children differently according to a special judicial system looks like the military order 132 which permits for the occupation authorities to arrest the children under 12. There are many prisoner children that have had whole life sentence.

In 2007, a deputation from n Israeli military prosecution, Al_Qods Brigade, visited Al-Maskobeye Jail where Al-Qods children are taken, and they expressed their shock due to the hard conditions inside the jail.

The local newspaper "Kol Hazaman" issued in Al-Qods, wrote the members of the deputation sent a report to the minister of the interior security to ensure the dangerous omissions inside the jail that is – as they said- is not suitable to detain a human being.

The deputation members said they felt suffocated and a severe rattles in the winpipe when entering the walls of the jail, and this due to lack of air in the prisoners' rooms. They had impression that the police detain the prisoners in narrow places that lacks the minimum amount of pure air. This harms the prisoners' health.

The deputation met a prisoner that told him: "Wetness in the rooms as well as the heat is high, and my (prisoner) health conditions are aggravating due to the arrest conditions. I lose my conscious twice a day and fall on the ground."